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VIA ECF

Magistrate Judge Donna M. Ryu
United States District Court
Northern District of California
Oakland Courthouse, Courtroom 4 – 3rd Floor
1301 Clay Street, Oakland, CA 94612

RE: *Uniloc USA, Inc., et al v. Apple, Inc.*
Case No.: 3:18-cv-00358-WHA

Dear Judge Ryu:

In the Court's June 5 Order, Apple was directed to "identify to Plaintiffs/Fortress specific provisions of the RSA upon which it relies." Apple provided that list, which I forwarded to Uniloc with the instruction to search for "communications with Fortress that discuss these provisions." The custodians whose files were searched included Jeffrey C. Anderson, the outside attorney who handled all negotiations as to the drafting of the RSA for Uniloc and Drake Turner, the employee at Uniloc who conducted direct negotiations with Fortress as to the financial terms. When it turned out there were no such communications, I so informed counsel for Apple, who then asked me to conduct an additional inquiry. Counsel's concern was that the search may have only been for paragraph numbers (e.g., "2.1"), and thus might have missed discussions of the substance of those paragraphs without reciting the number. I relayed that concern to Anderson, who then confirmed there had been no such communications.

In addition, at my request, Fortress searched the files of Fortress employees Yoni Shtein, James Palmer, and Michael Polidoro (Fortress in-house counsel), at least one of whom would have necessarily been involved, if there had been any internal discussions as to these paragraphs, using search terms such as "monetization revenue," but found no documents discussing these paragraphs or their substance.

Respectfully submitted,

James J. Foster

CC: Apple Counsel

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